



CRL OP(MD) No.4763 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Mohamed Usuf Ali

... Petitioner/ Accused No.4

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Papanasam Police Station,
Thanjavur District.
Crime No.796 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.K.M.Karunakaran

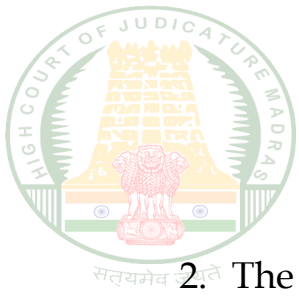
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.796 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 12.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant



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2. The petitioner/A4 was arrested and remanded to judicial custody on 08.02.2025 for the alleged offences punishable under Sections 419, 467, 468 & 471 of IPC, in Crime No.796 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the Sub-Registrar, Papanasam. On 27.09.2024, one Ushman/A7 impersonated as A1 and executed a deed in Doc.No.7 of 2023 on the file of the Sub-Registrar Office, Papanasam, which was acknowledged by the petitioner and other accused person as witnesses, by forging the signature and Aadhar card. Based on the complaint of the defacto complainant, the case has been registered.

4. Mr.K.M.Karunakaran, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, and he has not committed the offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He further submits that the co-accused person/A7 was already granted bail by this Court on 28.02.2025 in Crl.O.P.(MD)No.3719 of 2025. He further submits that the petitioner has been in judicial custody since 08.02.2025, and he is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner has signed as one of



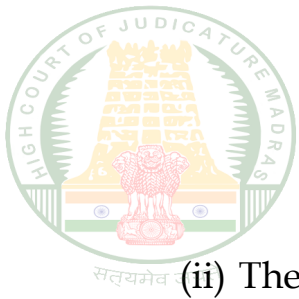
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the attesting witnesses on the document, which was produced before the defacto complainant for registration. He further submits that if this Court grants bail to the petitioner, he may abscond, cause a threat to the witnesses, and delay the proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested on 08.02.2025 and has been in judicial custody. In view of the offences alleged against the petitioner, this Court is of the view that further custody of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same, and also considering the facts and circumstances, the period of incarceration and the fact that the co-accused person/A7 was granted bail by this Court on 28.02.2025 in CrI.O.P.(MD)No.3719 of 2025, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Papanasam;



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(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Papanasam, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Papanasam;

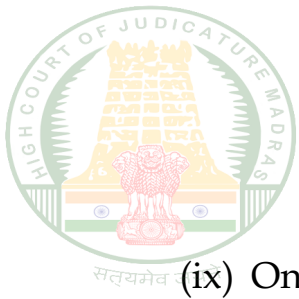
(iv) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. and 5.00 p.m., until further orders;

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(vii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioner shall also not directly or indirectly cause threat to the defacto complainant and witnesses, and shall not try to contact the defacto complainant either directly or through any electronic mode; and



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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Papanasam is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
14/03/2025

/ TRUE COPY /

14/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO

1 THE JUDICIAL MAGISTRATE,
PAPANASAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM.

4 THE INSPECTOR OF POLICE,
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.



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5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-2830[I] dated 14/03/2025)

ORDER
IN
CRL OP(MD) No.4763 of 2025
Date :14/03/2025

SA/SAR. /14.03.2025/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.